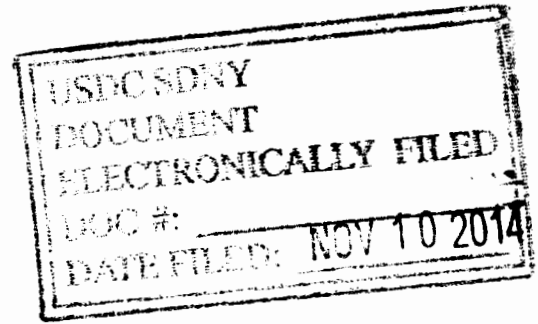


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
YANIRA SUAREZ,

Plaintiff,

-v-

No. 13CV5236-LTS-GWG

CAROLYN W. COLVIN
Acting Commissioner of Social Security,

Defendant.
-----X

MEMORANDUM ORDER

Plaintiff Yanira Suarez ("Plaintiff") brings this action, pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), to obtain judicial review of the final decision of the Commissioner of Social Security ("Commissioner") denying her application for disability insurance benefits and supplemental security income ("SSI")¹ under the Social Security Act. The parties have cross-moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c).

On October 1, 2014, Magistrate Judge Gabriel W. Gorenstein issued a Report and Recommendation ("Report"), which recommended that Plaintiff's motion be granted in part and denied in part. No objections to the Report have been filed.

When reviewing a report and recommendation, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "[T]he court shall make a de novo determination of those portions of the

¹ Plaintiff now seeks only SSI benefits. See Mem. of Law in Supp. of Pl.'s Mot. for J. on the Pleadings, dated March 28, 2014 (Docket #14), at 4 n. 1.

report or specified proposed findings or recommendations to which objection is made.” United States v. Male Juvenile, 121 F.3d 34, 38 (2d Cir. 1997) (citing 28 U.S.C. § 636(b)(1)).


However, when no timely objections are made, “the Court may adopt the Report if there is no clear error on the face of the record.” Alcantara v. Astrue, 667 F. Supp. 2d 262, 264 (S.D.N.Y. 2009) (internal citations omitted).

Having reviewed Magistrate Judge Gorenstein’s thorough and well-reasoned Report, to which no objection was made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, the Court grants Plaintiff’s motion in part and denies it in part. This case is remanded to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with the Report and this Order. The Clerk of Court is respectfully requested to enter judgment and close this case.

This Order resolves docket entry numbers 13 and 20.

SO ORDERED.

Dated: New York, New York
November 10, 2014



LAURA TAYLOR SWAIN
United States District Judge